

Exhibit “A”



TO: Donna Shavers
Albertson's LLC
PO BOX 160066, 321 MONTGOMERY RD
ALTAMONTE SPRINGS, FL 32716-0066

RE: **Process Served in Nevada**
FOR: Albertson's LLC (Domestic State: DE)

**Service of Process
Transmittal**
03/24/2022
CT Log Number 541285772

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Re: DARLENE ANN ARRIOLA, // To: Albertson's LLC

DOCUMENT(S) SERVED: --

COURT/AGENCY: None Specified
Case # A22849813C

NATURE OF ACTION: Personal Injury - Failure to Maintain Premises in a Safe Condition

ON WHOM PROCESS WAS SERVED: C T Corporation System, Carson City, NV

DATE AND HOUR OF SERVICE: By Process Server on 03/24/2022 at 10:52

JURISDICTION SERVED : Nevada

APPEARANCE OR ANSWER DUE: None Specified

ATTORNEY(S) / SENDER(S): None Specified

ACTION ITEMS: CT has retained the current log, Retain Date: 03/24/2022, Expected Purge Date:
03/29/2022

Image SOP

Email Notification, Michael McCue Michael.McCue@safeway.com

Email Notification, Donna Shavers donna.shavers@albertsons.com

Email Notification, Risk Management Group RM.Claim.Support@safeway.com

Email Notification, Carmen Rowland Carmen.Rowland@safeway.com

REGISTERED AGENT ADDRESS: C T Corporation System
701 S. Carson Street
Suite 200
Carson City, NV 89701
866-203-1500
DealTeam@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other



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advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

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5 JOHN C. FUNK, ESQ.

6 Nevada Bar No. 9255

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8 MOSS BERG INJURY LAWYERS

9 4101 Meadows Lane, Suite 110

Las Vegas, Nevada 89107

Telephone: (702) 222-4555

Facsimile: (702) 222-4556

10 *Attorneys for Plaintiff*

DISTRICT COURT

11 CLARK COUNTY, NEVADA

12 A-22-849813-C

13 DARLENE ANN ARRIOLA,

CASE NO.
DEPT. NO.

14 Plaintiff,

15 v.

16 BRIXTON-ALTO RAINBOW, LLC, a
17 Foreign Limited-Liability Company;
18 ALBERTSON'S LLC, a Foreign Limited-
Liability Company d/b/a ALBERTSONS;
19 DOE MANAGER "Melony"; DOE
MANAGER "Melinda"; ROE DOOR
COMPANY; ROE MAINTENANCE
COMPANY; DOES III through X; and ROE
CORPORATIONS III through X, inclusive,

20 Defendants.

SUMMONS

21
22 NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU
23 WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN TWENTY ONE
(21) DAYS. READ THE INFORMATION BELOW:

24 ALBERTSON'S LLC

25
26 TO THE DEFENDANT(S): A civil Complaint has been filed by the Plaintiff(s) against you
for the relief set forth in the Complaint.

27 1. If you intend to defend this lawsuit, within twenty one (21) days after this Summons is
28 served on you, exclusive of the day of service, you must do the following:

1 (a) File with the Clerk of this Court, whose address is shown below, a formal written
2 response to the Complaint in accordance with the rules of the Court, with the
appropriate filing fee.

3 (b) Serve a copy of your response upon the attorney whose name and address is
4 shown below.

5 2. Unless you respond, your default will be entered upon application of the Plaintiff(s) and
6 failure to so respond will result in a judgment of default against you for the relief
7 demanded in the Complaint, which could result in the taking of money or property or
other relief requested in the Complaint.

8 3. If you intend to seek the advice of an attorney in this matter, you should do so promptly
9 so that your response may be filed on time.

10 4. The State of Nevada, its political subdivisions, agencies, officers, employees, board
11 members, commission members and legislators each have forty-five (45) days after
12 service of this Summons within which to file an Answer or other responsive pleading to
the Complaint.

13 DATED this 16 day of March, 2022.

14 Respectfully Submitted By:

15 MOSS BERG INJURY LAWYERS

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17 Nevada Bar No. 8856

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19 JOHN C. FUNK, ESQ.

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27 *Attorneys for Plaintiff*

19 STEVEN D. GRIERSON
CLERK OF COURT

20 By: Demon Palmer 3/17/2022

21 Deputy Clerk

22 Date

23 Demond Palmer

1 COMP

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13 *Attorneys for Plaintiff*

14 CASE NO: A-22-849813-C

15 Department 15

16 DISTRICT COURT

17 CLARK COUNTY, NEVADA

18 DARLENE ANN ARRIOLA,

19 CASE NO.

20 Plaintiff,

DEPT. NO.

21 v.

22 BRIXTON-ALTO RAINBOW, LLC, a
 Foreign Limited-Liability Company;
 ALBERTSON'S LLC, a Foreign Limited-
 Liability Company d/b/a ALBERTSONS;
 DOE MANAGER "Melony"; DOE
 MANAGER "Melinda"; ROE DOOR
 COMPANY; ROE MAINTENANCE
 COMPANY; DOES III through X; and
 ROE CORPORATIONS III through X,
 inclusive,23 COMPLAINT

24 Defendants.

 25 Plaintiff, DARLENE ANN ARRIOLA, by and through her attorneys, BOYD B. MOSS
 III, ESQ, and JOHN C. FUNK, ESQ., of the law firm of MOSS BERG INJURY LAWYERS, and
 for her causes of action against Defendants, and each of them, hereby allege as follows:
 26 1. That at all times relevant to these proceedings, Plaintiff, DARLENE ANN
 27 ARRIOLA (hereinafter "Plaintiff"), was and is a resident of Clark County, Nevada.
 28

1 2 Plaintiff is informed, believes, and thereon alleges that at all times relevant to these
2 proceedings, Defendant, BRIXTON-ALTO RAINBOW, LLC (hereinafter referred to as
3 Defendant "BRIXTON"), was and is a Foreign Limited-Liability Company, organized and
4 existing pursuant to the laws of the State of Nevada, and authorized to do and doing business in
5 Clark County, Nevada as the owner of the building located at 1001 S Rainbow Blvd, Las Vegas,
6 NV 89145 (Hereinafter referred to as "Subject Premises").
7

8 3. Plaintiff is informed, believes, and thereon alleges that at all times relevant to these
9 proceedings, Defendant, ALBERTSON'S LLC (Hereinafter referred to as Defendant
10 "ALBERTSONS"), was and is a Foreign Limited-Liability Company, organized and existing
11 pursuant to the laws of the State of Nevada, and authorized to do and doing business in Clark
12 County, Nevada, as ALBERTSONS, located on the Subject Premises.
13

14 4. Plaintiff is informed, believes, and thereon alleges that at all times relevant to these
15 proceedings, Defendant, DOE MANAGER "Melony" was and is a citizen and resident of Nevada
16 and an unknown employee of Defendant, ALBERTSONS and was responsible managing the
17 Subject Premises. Plaintiff will ask leave of this Court to amend her Complaint to insert the true
18 names and capacities of DOE MANAGER "Melony" when the same have been fully ascertained.
19

20 5. Plaintiff is informed, believes, and thereon alleges that at all times relevant to these
21 proceedings, Defendant, DOE MANAGER "Melinda" was and is a citizen and resident of Nevada
22 and an unknown employee of Defendant, ALBERTSONS and was responsible managing the
23 Subject Premises. Plaintiff will ask leave of this Court to amend her Complaint to insert the true
24 names and capacities of DOE MANAGER "Melinda" when the same have been fully ascertained.
25

26 6. Plaintiff is informed, believes, and thereon alleges that at all times relevant to these
27 proceedings, Defendant, ROE DOOR COMPANY was and is an unknown business entity, and
28 manufactured, operated and/or maintained one or more doors on the Subject Premises. Plaintiff

1 will ask leave of this Court to amend her Complaint to insert the true names and capacities of
2 ROE DOOR COMPANY when the same have been fully ascertained.

3 7. Plaintiff is informed, believes, and thereon alleges that at all times relevant to these
4 proceedings, Defendant, ROE MAINTENANCE COMPANY was and is an unknown business
5 entity, and operated, inspected, repaired and/or maintained one or more doors on the Subject
6 Premises. Plaintiff will ask leave of this Court to amend her Complaint to insert the true names
7 and capacities of ROE MAINTENANCE COMPANY when the same have been fully ascertained.

8 8. That the true names and capacities, whether individual, corporate, associate or
9 otherwise of Defendants named herein as DOES III through X are unknown to Plaintiff who,
10 therefore, sues said Defendants by said fictitious names. Plaintiff is informed, believes, and
11 thereon alleges that each of the Defendants designated as DOES are responsible in some manner
12 for the events and happenings referred to herein, specifically for creating and/or allowing a
13 hazardous condition to exist on the premises, which caused damages proximately to Plaintiff as
14 herein alleged. Plaintiff will ask leave of this Court to amend her Complaint to insert the true
15 names and capacities of DOES III through X when the same have been fully ascertained and to
16 join such Defendants in this action. At all times mentioned herein, each Defendant was acting as
17 the agent, servant, and/or employee of each other Defendant.

18 9. That the true names and capacities, whether individual, corporate, associate or
19 otherwise of Defendants named herein as ROE CORPORATIONS III through X are unknown to
20 Plaintiff who, therefore, sues said Defendants by said fictitious names. Plaintiff is informed,
21 believes, and thereon alleges that each of the Defendants designated as ROE CORPORATIONS
22 are responsible in some manner for the events and happenings referred to herein, specifically for
23 creating and/or allowing a hazardous condition to exist on the premises, which caused damages
24 proximately to Plaintiff as herein alleged. Plaintiff will ask leave of this Court to amend her

1 Complaint to insert the true names and capacities of ROE CORPORATIONS III through X when
2 the same have been fully ascertained and to join such Defendants in this action. At all times
3 mentioned herein, each Defendant was acting as the agent, servant, and/or employee of each other
4 Defendant.

5 10. That on or about August 1, 2020, Plaintiff was a guest of ALBERTSONS located
6 on the Subject Premises.

8 11. That at that same time and place, Defendants, and each of them, so carelessly and
9 negligently created, owned, controlled, inspected, and/or maintained the Subject Premises in an
10 unstable and dangerous manner so as to allow a hazardous condition to exist on the Subject
11 Premises, specifically, a malfunctioning automatic sliding door at the entrance of the store
12 (Hereinafter referred to as "Subject Door"), where Defendants were aware numerous customers
13 would be constantly walking, which, without proper warning of the hazard, abruptly and
14 forcefully slammed shut as Plaintiff passed through the door way, striking Plaintiff's right arm
15 and temporarily trapping her, and as a proximate result thereof, Plaintiff was seriously injured.

17 12. That at said time and place, Defendants, and each of them, negligently
18 manufactured, operated, inspected and/or maintained the Subject Door on the Subject Premises
19 and further, negligently permitted a dangerous condition to exist thereon.

21 13. Further, that Defendants, and each of them, were aware that the Subject Door was
22 unfit for use on the Subject Premises, and negligently allowed the dangerous condition created
23 by the Subject Door to remain in existence for an unreasonable length of time.

24 14. Further, that Defendants, and each of them, negligently allowed the Subject Door
25 to be used by Plaintiff, and other unsuspecting users, without providing any warning of the
26 dangerous condition created by the Subject Door.

1 15. That as a direct and proximate result of Defendants' and/or their
2 employees'/agents' negligent acts and/or omissions and/or breach of duty, Defendants forced
3 Plaintiff to encounter a dangerous condition on the Subject Premises, specifically, the
4 malfunctioning automatic sliding door, thereby causing Plaintiff, who has a history of seizures,
5 to be struck, trapped, and sustain serious and debilitating injuries, injuries to her right arm, neck,
6 and back, as well as a worsening of her seizure disorder, all or some of which conditions may be
7 permanent or disabling in nature, causing general damages in an amount to be determined at trial.

8
9 16. That this Court has subject matter jurisdiction over this matter pursuant to NRS
10 4.370(1), as the matter in controversy exceeds Fifteen Thousand Dollars (\$15,000.00) exclusive
11 of attorney's fees, interest, and costs.
12

13 17. That as a further direct and proximate result of the negligence of Defendants, and
14 each of them, Plaintiff was required, and will be required in the future, to incur expenses for
15 medical care and treatment and costs incidental thereto in an amount to be determined.

16 18. That as a further direct and proximate result of the negligence of Defendants, and
17 each of them, Plaintiff has incurred substantial out-of-pocket expenses, including, but not limited
18 to, money spent for prescriptions, medication, and uncovered medical expenses.
19

20 19. That as a further direct and proximate result of the negligence of Defendants, and
21 each of them, Plaintiff has endured physical and emotional pain and suffering. It is further
22 expected that Plaintiff will be forced to endure future physical and emotional pain associated with
23 her continued medical treatment, recuperation, physical therapy and limitations associated with
24 her injuries into the foreseeable future.
25

26 20. That as a further direct and proximate result of the negligence of Defendants, and
27 each of them, Plaintiff has suffered and continues to suffer a significant deterioration in her
28 enjoyment of life and lifestyle.

21. That Plaintiff has had to retain the services of an attorney to prosecute this action and is, therefore, entitled to reasonable attorney's fees and costs of suit incurred herein.

WHEREFORE, Plaintiff, expressly reserving the right to amend her Complaint at the time of trial of the actions herein to include all items of damages not yet ascertained, demands judgment against Defendants, and each of them, as follows:

1. General damages in an amount in excess of \$15,000.00;
2. Damages for costs of medical care and treatment and costs incidental thereto;
3. Reasonable attorney's fees and costs of suit incurred herein; and
4. For a sum to be determined by the trier of fact for loss of enjoyment of life pursuant to Banks v. Sunrise Hosp., 120 Nev. 822, 836 (2004);
5. For such other and further relief as the Court may deem proper in the premises.

DATED this 16 day of March, 2022.

MOSS BERG INJURY LAWYERS

. By:

~~BOYD B. MOSS III, ESQ.~~

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